

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Christopher Shane Phillips, *aka Christopher S. Phillips*, ) C/A No. 8:10-2330-HFF-BHH  
vs. )  
Petitioner, )  
vs. )  
Bernard McKie, *Warden of Kirkland Correctional Institution*, )  
Respondent. )  
\_\_\_\_\_  
ORDER

This is an action seeking habeas corpus relief. Petitioner is a state prisoner. This matter is before the Court because of Petitioner's failure to comply with the Magistrate Judge's order (ECF No. 7) of September 13, 2010. A review of the record indicates that the Magistrate Judge ordered Petitioner to submit items needed to render this case into "proper form" within twenty-one (21) days, and that if he failed to do so, this case would be dismissed *without prejudice*. The item needed to render this case into "proper form" was the court-approved form for filing a Section 2254 petition (Form AO 241). Petitioner has failed to respond to the Magistrate Judge's order.

Accordingly, the above-captioned case is dismissed *without prejudice*. The Clerk of Court shall close the file.\*

## **IT IS SO ORDERED.**

October 15, 2010  
Spartanburg, South Carolina

/s/ Henry F. Floyd  
United States District Judge

\* \* \* \* \*

## **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

\*Under the General Order (Misc. No. 3:07-MC-5014-JFA) filed on September 18, 2007, this dismissal *without prejudice* does *not* count as a “strike” for purposes of the “three strikes” provision of 28 U.S.C. § 1915(g). If Petitioner wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk’s Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).